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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,704	12/01/2000	Alfredo Agnelo Judas Sebastiao do Rosario Botelho	ZEDO-01003US0	4887

7590 12/23/2004
Rupak Nag
2170 Cenury Park East Suite 1210
Los Angeles, CA 92067

EXAMINER

LASTRA, DANIEL

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 12/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/728,704

Applicant(s)

DO ROSARIO BOTELHO ET AL

Examiner

DANIEL LASTRA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 107 and 108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 107 and 108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 107 and 108 have been examined. Application 09/728,704 (DATA PROCESSING SYSTEM FOR TARGETED CONTENT) has a filing date 12/01/2000 Claims Priority from Provisional Application 60168853 (12/02/1999) and Claims Priority from Provisional Application 60236673 (09/29/2000).

Response to Amendment

2. In response to Final Rejection dated 03/30/04, the Applicant filed an RCE, cancel claims 1-106 and added new claims 107 and 108.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 107 and 108 are rejected under 35 U.S.C. 102(e) as being anticipated by Eldering (U.S. 6,216,129).

As per claim 107, Eldering teaches:

A method of pulling a self-targeted advertisement by a user over a computer network, the method comprising the steps of:

displaying one or more web site pages containing non-advertisement content on a client computer (see column 5, lines 9-54);

displaying a list of advertisement-determinative categories on the one or more web site pages from where a user selects an advertisement-determinative category thereby setting a user preference on the client computer wherein the user preference determines what type of advertisement the user will receive on the one or more web site pages and wherein the list of advertisement-determinative categories and advertisements displayed on the one or more web site pages are not associated or determined by the non-advertisement content on the web site page (see column 6, lines 58-67; column 3, lines 5-12; column 10, lines 35-67; column 13, line 60 – column 14, line 21);

generating on the client computer an advertisement locator/descriptor using the user selected category (see column 6, lines 4-13; column 13, lines 60-64); and

transmitting the advertisement locator/descriptor to a server computer whereby the self targeted advertisement corresponding to the locator/descriptor is retrieved and transmitted to the client computer for insertion in the one or more web site pages (see column 3, lines 58-67; column 10, lines 35-67; column 13, line 60 – column 14, line 21).

As per claim 108, Eldering teaches:

A method of pulling an advertisement to a client computer over a computer network, the method comprising the steps of

displaying a web site page containing non-advertisement content on a client computer (see column 5, lines 9-51);

using data stored on the client computer to determine the advertisement to be displayed in the web site page for a user to view (see column 6, lines 27-55; column 7, lines 4-21; column 11, lines 12-17; column 13, lines 60-64);

generating on the client computer an advertisement locator/descriptor corresponding to the advertisement (see column 6, lines 27-55; column 7, lines 4-21); and

transmitting the advertisement locator/descriptor to a server computer whereby the advertisement corresponding to the locator/descriptor is retrieved and transmitted to the client computer for insertion in the web site page (see column 10, lines 35-67; column 13, line 60 – column 14, line 21).

Response to Arguments

4. Applicant's arguments with respect to claims 107 and 108 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
December 13, 2004

Yehdega Delta
Primary Examiner
AU 3622